



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
TRI-LAKES PROJECT OFFICE, 9307 STATE HWY 121
LITTLETON, COLORADO 80123-6901

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REPLY TO
ATTENTION OF

December 9, 1991

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Denver Regulatory Office

Mr. David P. Simonson
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, Colorado 80402-0928

RE: Nationwide Permit No. 199180005

Dear Mr. Simonson:

Reference is made to the proposed construction and operation of a French Drain on the south side of the Rocky Flats Plant in an area known as the 881 Hillside. This project may impact up to approximately 0.39 acre of wetland located in Section 10/11, Township 2 South, Range 70 West, Jefferson County, Colorado.

Based on the information provided, this office has determined that the proposed work is authorized by the Department of the Army Nationwide Permit found at 33 CFR Part 330.5(a)(26). Enclosed is a fact sheet which fully describes this Nationwide Permit and lists the Special Conditions which must be adhered to for this authorization to remain valid.

Although an Individual Department of the Army Permit will not be required for the project, this does not eliminate the requirement that other applicable Federal, State, or Local Permits be obtained as required. Please note that deviations from the original plans and specifications of the project could require additional authorization from this office.

Should at any time it become evident that either an endangered species or its critical habitat exist within the project area, this office must be immediately notified.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to 13 January 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

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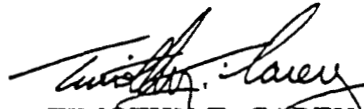
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Permit No. 199180005

If there are any questions concerning this matter, please feel free to contact Mr. Terry McKee of this office at (303) 979-4120 and reference Nationwide Permit Number 199180005.

Sincerely,



TIMOTHY T. CAREY
Project Manager

Encl

33 CFR Section 330.5 Nationwide Permits

(a) Authorized Activities

(26) Discharges of dredged or fill material into non-tidal rivers, streams, and their lakes and impoundments, including adjacent wetlands, that are located above the headwaters; and other non-tidal waters of the United States, including adjacent wetlands, that are not part of a surface tributary system to interstate waters or navigable waters of the United States (i.e., isolated waters), except those discharges which cause the loss of substantial adverse modification of 10 acres or more of such waters of the United States. For discharges which cause the loss or substantial adverse modification of 1 to 10 acres of such waters, including wetlands, notification to the district engineer is required in accordance with 33 CFR Section 330.7.

(b) Conditions: The following special conditions where applicable must be complied with for the Nationwide Permit authorization to remain valid:

(1) That any discharge of dredged or fill material will not occur in the proximity of a public water supply intake.

(2) That any discharge of dredged or fill material will not occur in areas of concentrated shellfish production unless the discharge is directly related to shellfish harvesting activity authorized by 33 CFR Part 330.5(a)(4).

(3) That the activity will not jeopardize a threatened or endangered species as identified under the Endangered Species Act (ESA), or destroy or adversely modify the critical habitat of such species.

(4) That the activity shall not significantly disrupt the movement of those species of aquatic life indigenous to the waterbody (unless the primary purpose of fill is to impound water).

(5) That any discharge of dredged or fill material shall consist of suitable material free from toxic pollutants (see Section 307 of the Clean Water Act) in toxic amounts.

(6) That any structure for fill authorized shall be properly maintained.

(7) That the activity will not occur in a component of the National Wild and Scenic River System; nor in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status.

(8) That the activity shall not cause an unacceptable interference with navigation.

(9) That, if the activity may adversely affect historic properties which the National Park Service has listed on, or determined eligible for listing on, the National Register of Historic Places, the permittee will notify the district engineer. Furthermore, that, if the permittee before or during prosecution of the work authorized, encounters a historic property that has not been listed or determined eligible for listing on the National Register, he shall immediately notify the district engineer.

(10) That the construction or operation of the activity will not impair reserved tribal rights, included, but not limited to, reserved water rights and treaty fishing and hunting rights.

33 CFR Section 330.6 Management Practices

(a) In addition to the conditions specified above, the following management practices shall be followed, to the maximum extent practicable, in order to minimize the adverse effect of these discharges on the aquatic environment. Failure to comply with these practices may be cause for the district engineer to recommend, or the division engineer to take, discretionary authority to regulate the activity on an individual or regional basis pursuant to 33 CFR 330.8.

(1) Discharges of dredged or fill material into waters of the United States shall be avoided or minimized through the use of other practical alternatives.

(2) Discharges in spawning areas during spawning seasons shall be avoided.

(3) Discharges shall not restrict or impede the movement of aquatic species indigenous to the waters or the passage of normal or expected high flows or cause the relocation of the water (unless the primary purpose of the fill is to impound waters).

(4) If the discharge creates an impoundment of water, adverse impacts on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized.

(5) Discharges in wetland areas shall be avoided.

(6) Heavy equipment working in wetlands shall be placed on mats.

(7) Discharges into breeding areas for migratory waterfowl shall be avoided.

(8) All temporary fills shall be removed in their entirety.